

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 SHAWN HALBERT  
4 Assistant Federal Public Defender  
5 450 Golden Gate Avenue  
6 San Francisco, CA 94102  
7 Telephone: (415) 436-7700

8 Counsel for Defendant BERNIE CUSTODIO

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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	)	CR-06-00659 VRW
v.	)	STIPULATION AND [PROPOSED]
BERNIE CUSTODIO,	)	ORDER CONTINUING STATUS
Defendant.	)	DATE

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The undersigned parties stipulate as follows:

1. The parties' next status date before this Court is currently scheduled for February 13, 2007 at 10:30 a.m.
2. The parties are in the process of determining whether the case will settle and if so, on what terms, or will proceed to motions and trial. The defense has indicated that it needs to conduct additional investigation and obtain additional materials independent of the government's discovery production. The defense requests that the status date be continued to March 6, 2007 or some date thereafter so that it will have adequate time to complete the actions described above. The government does not object to this request.

STIP. AND [PROP] ORDER CONTINUING  
STATUS DATE; CR-06-00659 VRW

3. The parties agree that the time between February 13, 2007 to March 6, 2007 should be excluded from the computation of time within which the trial of this matter must commence because the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, in light of the need for the reasonable time necessary for effective preparation of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

## IT IS SO STIPULATED

Date: February 12 , 2007

/S/

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**SHAWN HALBERT**  
Assistant Federal Public Defender

Date: February 12 , 2007

/S

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**JULIE ARBUCKLE**  
Assistant United States Attorney

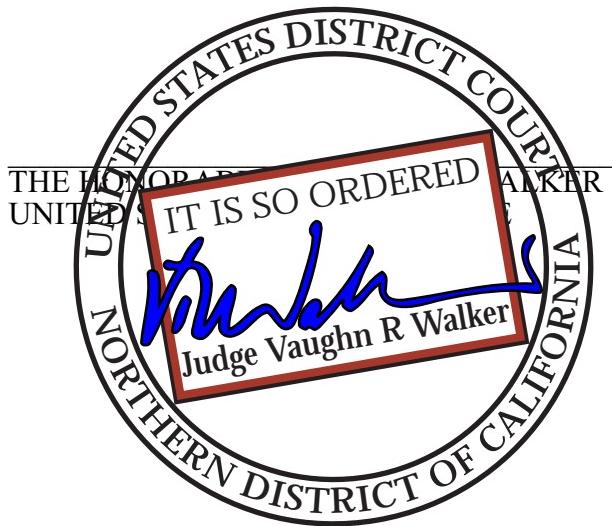
I hereby attest that I have or file all holograph signatures for any signatures indicated by a “conformed” signature (/S) within this e-filed document.

STIP. AND [PROP] ORDER CONTINUING  
STATUS DATE: CR-06-00659 VRW

## ORDER

For GOOD CAUSE SHOWN, it is hereby ORDERED that the status hearing, previously set by this Court for February 13, 2007 at 10:30 a.m. shall be continued to March 6, 2007 at 10:30 a.m. IT IS FURTHER ORDERED that the time between February 13, 2007 and March 6, 2007 shall be excluded from the computation of time within which the trial of this matter must commence because the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, in light of the need for the reasonable time necessary for effective preparation of counsel, for the reasons described in the above stipulation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

Date: February 16, 2007



STIP. AND [PROP] ORDER CONTINUING  
STATUS DATE; CR-06-00659 VRW